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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91206732
Party	Defendant EndoClot Plus, Inc.
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Submission	Answer
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Date	10/05/2012
Attachments	Answer.pdf (5 pages)(12026 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ENDO PHAMACEUTICALS INC.,

Opposer,

v.

ENDOCLOT PLUS, INC.,

Applicant.

Opposition No. TBA

Opposed Application:

Mark: EndoClot

Serial #: 85322084

**ANSWER TO THE NOTICE OF
OPPOSITION**

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

P. O. Box 1451

Alexandria, VA 22313-1451

ANSWER

Applicant Endoclot Plus, Inc. (“Applicant”) through its attorneys identified below, answers the Notice of Opposition (“Opposition”) filed by Opposer Endo Pharmaceuticals Inc. (“Opposer”) as follows:

1. Answering paragraph 1 of the Opposition, Applicant is without sufficient information to admit or deny these allegations and, on this basis, denies the allegations contained therein.

2. Answering paragraph 2 of the Opposition, Applicant is without sufficient information to admit or deny these allegations and, on this basis, denies the allegations contained therein.

3. Answering paragraph 3 of the Opposition, Applicant is without sufficient information to admit or deny these allegations and, on this basis, denies the allegations contained therein.

4. Answering paragraph 4 of the Opposition, Applicant is without sufficient information to admit or deny these allegations and, on this basis, denies the allegations contained therein.

5. Answering paragraph 5 of the Opposition, Applicant is without sufficient information to admit or deny these allegations and, on this basis, denies the allegations contained therein.

6. Answering paragraph 6 of the Opposition, Applicant is without sufficient information to admit or deny these allegations and, on this basis, denies the allegations contained therein.

7. Answering paragraph 7 of the Opposition, Applicant is without sufficient information to admit or deny these allegations and, on this basis, denies the allegations contained therein.

8. Answering paragraph 8 of the Opposition, Applicant is without sufficient information to admit or deny these allegations and, on this basis, denies the allegations contained therein.

9. Answering paragraph 9 of the Opposition, Applicant denies the allegation that its drawing and specimens show the mark EndoClot with a capital “C” is further emphasizing the letters “Endo” as a prefix and further increasing the likelihood of confusion with Endo’s marks. Applicant admits all other allegations contained therein.

10. Answering paragraph 10 of the Opposition, Applicant admits the allegations contained therein.

11. Answering paragraph 11 of the Opposition, Applicant is without sufficient information to admit or deny these allegations and, on this basis, denies the allegations contained therein.

12. Answering paragraph 12 of the Opposition, Applicant is without sufficient information to admit or deny these allegations and, on this basis, denies the allegations contained therein.

13. Answering paragraph 13 of the Opposition, Applicant denies the allegations contained therein.

14. Answering paragraph 14 of the Opposition, Applicant is without sufficient information to admit or deny these allegations and, on this basis, denies the allegations contained therein.

15. Answering paragraph 15 of the Opposition, Applicant is without sufficient information to admit or deny these allegations and, on this basis, denies the allegations contained therein.

16. Answering paragraph 16 of the Opposition, Applicant is without sufficient information to admit or deny these allegations and, on this basis, denies the allegations contained therein.

17. Answering paragraph 17 of the Opposition, Applicant denies the allegations contained therein.

18. Answering paragraph 18 of the Opposition, Applicant denies the allegations contained therein.

19. Answering paragraph 19 of the Opposition, Applicant denies the allegations contained therein.

AFFIRMATIVE DEFENSES

In further answer to the Opposition, Applicant asserts that:

1. The Opposition fails to state proper claims or grounds to oppose registration of the mark in Application Serial Number 85322084.
2. The Opposition is barred by waiver.
3. The Opposition is barred by estoppel.
4. The Opposition is barred by laches.
5. The Opposition is barred by acquiescence.
6. The Opposition is barred by unclean hands.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed with prejudice and that Applicant be granted registration of its mark.

Respectfully submitted,

Dated: October 5, 2012

SCHEIN & CAI LLP

By: James Cai

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Certificate of Service

The undersigned hereby certifies that a copy of the foregoing has been served upon the following counsel of record for Opposer and Registrant via United States first class mail, postage prepaid, on October 5, 2012, as follows:

Ronald J. Ventola II
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/James Cai/
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